

MEDICINE BOARD[653]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 147.76, 148E.7 and 272C.3, the Board of Medicine hereby amends Chapter 11, "Continuing Education and Mandatory Training for Identifying and Reporting Abuse," and Chapter 23, "Grounds for Discipline," Iowa Administrative Code.

The amendments address a licensee's failure to comply with an audit of continuing education or mandatory training for identifying and reporting abuse within 30 days of a request by board staff. The amendments also establish that failure to comply with the audit is grounds for discipline.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on June 18, 2008, as **ARC 6860B**. Public comment was accepted on or before July 8, 2008.

Following publication of the Notice of Intended Action, the Board modified the amendments in response to a request by the Iowa Medical Society for an extension of time in which to submit audit materials if a physician requests an extension of time.

The Board approved these amendments to Chapters 11 and 23 during a telephone conference call on July 24, 2008.

These amendments are intended to implement Iowa Code chapters 147, 148, and 272C.

These amendments will become effective on September 17, 2008.

The following amendments are adopted.

ITEM 1. Amend subparagraph **11.4(1)"a"(3)** as follows:

(3) A licensee shall maintain a file containing records documenting continuing education activities, including dates, subjects, duration of programs, registration receipts where appropriate and any other relevant material, for four years after the date of the activity. The board may audit this information at any time within the four years. If the board conducts an audit of continuing education activities, a licensee shall respond to the board and provide all materials requested, within 30 days of a request by board staff or within the extension of time if one had been granted. Failure to comply with this provision is grounds for discipline.

ITEM 2. Amend subparagraph **11.4(1)"c"(4)** as follows:

(4) A licensee shall maintain a file containing records documenting mandatory training for identifying and reporting abuse, including dates, subjects, duration of programs, and proof of participation, for five years after the date of the training. The board may audit this information at any time within the five-year period. If the board conducts an audit of mandatory training for identifying and reporting abuse, a licensee shall respond to the board and provide all materials requested, within 30 days of a request made by board staff or within the extension of time if one had been granted. Failure to comply with this provision is grounds for discipline.

ITEM 3. Renumber subrule **23.1(38)** as **23.1(40)**.

ITEM 4. Adopt the following **new** subrules 23.1(38) and 23.1(39):

23.1(38) Failure to respond to the board or submit continuing education materials during a board audit, within 30 days of a request made by board staff or within the extension of time if one had been granted.

23.1(39) Failure to respond to the board or submit requested mandatory training for identifying and reporting abuse materials during a board audit, within 30 days of a request made by board staff or within the extension of time if one had been granted.

[Filed 7/24/08, effective 9/17/08]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/13/08.